IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9814 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

LAXMI CONSTRUCTION

Versus

OIL AND NATURAL GAS CORPN LTD.

Appearance:

MR UTPAL M PANCHAL for Petitioner

SANGEETA VISHING for Respondent No. 1

None present for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 13/06/2000

ORAL JUDGEMENT

1. Heard the learned counsel for the parties. Perused the Special Civil Application, affidavit-in-reply filed on behalf of the respondent no.1 and affidavit in

sur-rejoinder filed on behalf of respondent no.1. The copy of sur-rejoinder was given to the counsel for the petitioner on 3/5/1999. More than one year has been passed, but averments made in the sur-rejoinder have not been controverted by the petitioner by filing reply to the sur-rejoinder. Today request has been made by the petitioner's counsel for grant of time to file reply to this sur-rejoinder, but in facts of this case, I do not find any justification in this prayer. The petitioner has more than sufficient time in case if he intends to file any reply to the sur-rejoinder, but this time has not been availed of.

2. It is true that the rates quoted by the petitioner for the work of house keeping service in the colony of the respondent of Ankleshwar Project were the lowest, but the rate which is to be paid to the labourers by the petitioner is only Rs.70.79 whereas the rates of wages quoted for the labourers with the respondent no.2 has been Rs.86.84. The rates quoted by the petitioner for labourers was less than the minimum wages. Meaning thereby, the petitioner to pay the wages to the labourers to be employed for work of this contract is less than the minimum wages. The conditions of the contract is very specific and clear that the tender in which rates of wages to be paid to the labourers are lower than minimum stipulated statutory payments payable to contract labourer shall be summarily rejected. Here, from the document which is at page-66 of this compilation has contained the rates of wages to be paid to the labourers by the petitioner. It is clear that the rate of wages quoted by the petitioner payable to the contract labour is less than the minimum wages (minimum statutory payments) and the tender of the petitioner deserves to be summarily rejected. The respondents are perfectly correct in their approach not to accept the tender of the petitioner though the rates quoted for the work by it is lower than the rate quoted by the respondent no.2

3. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted stands vacated. The petitioner is directed to pay Rs.2000/- as cost of this petition to respondent no.2.

(S.K. Keshote, J.)
(kamlesh)